

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON**

STEVE KIM, individually and on behalf of all others similarly situated,

Plaintiff,

v.

U.S. BANCORP and U.S. BANK NATIONAL ASSOCIATION,

Defendants.

Case No. 2:20-cv-00032-RSL

STIPULATED MOTION AND ORDER CONTINUING CERTAIN DEADLINES

Pursuant to Local Rule 7(d)(1) and Rule 6(b) of the Federal Rules of Civil Procedure, Plaintiff Steve Kim and Defendants U.S. Bancorp and U.S. Bank National Association hereby respectfully move the Court to continue, for a period of 120 days, Defendants' deadlines to respond to the Complaint and oppose Plaintiff's Motion for Conditional Certification. Good cause exists to continue the deadlines because the Parties are actively engaged in negotiations to potentially resolve the matter and in light of current disruptions caused by COVID-19 state and national emergencies.

Plaintiff filed this action on December 11, 2019, and served the Complaint on U.S. Bank National Association and U.S. Bancorp on March 13, 2020 and March 16, 2020, respectively. U.S. Bank National Association's deadline to respond to the Complaint is April 3, 2020, and U.S. Bancorp's deadline to respond is April 6, 2020.

On March 19, 2020, Plaintiff filed a Motion for Conditional Certification (the "Conditional

Certification Motion” or “Motion”). Defendants’ deadline to oppose the Motion is April 13, 2020.

On March 25, 2020, the Court entered an Order Regarding Initial Disclosures, Joint Status Report, and Early Settlement (the “Order”). (Dkt. No. 41.) The Order set April 8, 2020, April 15, 2020, and April 22, 2020, as the deadlines for the Rule 26(f) conference of counsel, service of initial disclosures, and filing of a joint status report, respectively.

The parties met and conferred via telephone and email on March 20, 2020, March 24, and March 25, and agreed that, based on the following considerations, good cause exists to continue for 60 days the deadlines set in the Order and to continue for 120 days Defendants’ deadlines to respond to the Complaint, the Motion, and the deadlines set in the Order

1. The Parties have agreed to pursue resolving the matter. The Parties therefore desire to focus their efforts and resources on achieving a resolution of this action.

2. In addition, counsel for Plaintiff and Defendants are presently subject stay-at-home orders effective in Washington, New York, San Francisco, and Los Angeles. The Parties agree that these orders and other disruptive impacts of COVID-19-related business and school closures make it substantially and unreasonably difficult to immediately proceed with the litigation.

3. Defendants’ deadline to file an opposition to Plaintiff’s Motion for Conditional Certification is April 13, 2020. If the parties’ efforts to resolve the case are unsuccessful, Defendants will oppose Plaintiff’s Motion. Defendants will seek to conduct written discovery and take the depositions of the seven individuals who submitted sworn declarations in support of the Motion. (Dkt. Nos. 26-32.) Plaintiff reserves his right to oppose such discovery as premature.

Accordingly, the Parties jointly move this Court to continue all deadlines. The Parties request that the dates set forth in the Order shall be continued 60 days, and that Defendants’ deadlines for filing pleadings responsive to Plaintiff’s Complaint and deadlines to Plaintiff’s Motion for Conditional Certification shall be continued for a period of 120 days. The continued deadlines are proposed as follows:

| Event | Current Deadline | Continued Deadline |
|--------------------------------------|------------------|--------------------|
| Deadline for FRCP 26(f) Conference | April 8, 2020 | June 8, 2020 |
| Initial Disclosures Pursuant to FRCP | April 15, 2020 | June 15, 2020 |

| | | |
|---|----------------|-----------------|
| 26(a)(1) | | |
| Combined Joint Status Report and Discovery Plan as Required by FRCP 26(f) and LCR 26(f) | April 22, 2020 | June 22, 2020 |
| Deadline for U.S. Bank National Association to Respond to the Complaint | April 3, 2020 | July 31, 2020 |
| Deadline for U.S. Bancorp to Respond to the Complaint | April 6, 2020 | July 31, 2020 |
| Deadline for Defendants to file Opposition to Motion for Conditional Certification | April 13, 2020 | August 11, 2020 |

Finally, the Parties agree that, as to the FLSA Collective defined the Complaint, the statute of limitations for claims alleged in the Complaint pursuant to the Fair Labor Standards Act, 29 U.S.C. § 216(b), shall be tolled for a period of 120 days, from March 20, 2020, to July 18, 2020.

RESPECTFULLY SUBMITTED AND DATED this 27th day of March, 2020.

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Attorneys for Plaintiff

IT IS SO ORDERED

Dated this 30th day of March, 2020.

Robert S. Lasnik
Robert S. Lasnik
United States District Judge